APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,689	12/14/2001	GopalaKrishna Reddy Kakivaya	MSFT-0737/183219.1	5665

41505 7590 07/26/2005		EXAMINER
WOODCOCK WASHBURN LLP		LE, DEBBIE M
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 07/26/2005

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PHILADELPHIA, PA 19103

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/017,689	KAKIVAYA ET AL.
	Examiner	Art Unit	
	DEBBIE M. LE	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/14/01*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/14/01 has been

considered by the examiner. See attached PTO-1449.

Drawings

The drawing is objected to because they fail to show necessary textual labels of features or symbols in Fig. 1 as described in the specification. For example, placing a label, "distributing computing objects", with elements 10a-10n of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basic of statutory subject matter under 35 U.S.C. 101.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories.

Note: The limitations of claims 5 and 12 are similar, and both depend to claim 1 (seams like duplicate claims). Examiner believes that applicants make a typographical error in claim 12. It seams that claim 12 depends on claim 8 instead of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Asami et al (US patent Application No. 2002/0123991 A1).

As per claim 1, Asami discloses a method for querying a data structure in a

distributed computing environment, comprising:

preparing a query specifying a data type of a variable and a value

contained within said data structure (as generating a query statement by defined

data types along with data structures) (see par. 0022, 0050, 0058);

sending the query to an object (as a query device 150 issues query

statements to a DBMS 100) (see par. 0008), **wherein said object determines whether**

maintains a data structure having a variable of the data type specified and

whether the variable contains the specified value (as a database management

system interpret and execute a query statement expresses, or the data type being

queries is evaluated to see whether it is a newly added data type or not) (see par.

0026).

As per claim 2, Asami teaches wherein the query is specified as a text string (see

par. 0048).

As per claim 3, Asami teaches wherein the data structure is stored as

one of XML, database tables, and a programming language data structure (see par.

0050-0052).

As per claim 4, Asami teaches receiving a data value from at least one digital

device indicative of the storage of the value in said digital device (see par. 0054-0055).

As per claim 5, Asami teaches the digital device comprises one of a personal

computer, personal digital assistant, video tape recorder, a display device, and an MP3

player (see par. 0063-0066).

As per claim 6, Asami teaches wherein the query is sent in the form of a

message over a data network (see par. 0047, 0051).

Claim 7 is rejected by the same rationale as state in claim 1 arguments.

As per claim 8, Asami teaches a system for determining the status of a device,

comprising:

a query generation mechanism for generating a type query specifying a

data type and a value (as query statement generating module 204 uses the query

information entered via the query input module 202 to generate a query statement to be

issued to the database management system 200) (see par. 0022, 0058);

a query transmission mechanism for transmitting the type query and the

value over a communication network to at least one digital device (as a query

device 150 issues query statements to a DBMS 100 via a network) (see par. 0008,

0047), **whereby the digital device compares the data type to a data type of a data**

structure that it maintains and compares the value to a value stored in the data

structure (as a database management system interpret and execute a query statement

expresses, or the data type being queries is evaluated to see whether it is a newly

added data type or not) (see par. 0026).

Claims 9-12 have similar limitations as claims 2-5; therefore, they are rejected

under the same subject matter.

As per claim 13, Asami discloses a method for use in a digital device in a
distributed system, comprising:

coupling the digital device to a communication network (as DBMS 200
connects to a query device via a network) (see Fig. 1, Fig. 3, # 405, par. 0047);

**storing a value in a data structure in said digital device, said data structure
defined by a programming language data type definition** (as data definition 210
represents user-defined type definition and implementations (programs), an example of
a user-defined type is a structured document type such as SGML) (see par. 0051);

receiving a query specifying a query data type and a query value (as a query
device 150 issues query statements to a DBMS 100 via a network) (see par. 0008,
0047);

**comparing the query data type to the data structure data type and the
query value to the value stored in the data structure** (as the data type being queried
is evaluated by searching the query component information for a particular data type
belonging to the data type being queried, and when the data type is found) (see par.
0026-0027);

**indicating whether the query data type matches the data structure
data type and whether the query value matched the value stored in the data
structure** (as the data type being queries is evaluated to see whether it is a newly
added data type or not, for instant, when the query component querying of data belongs
to the data type being queries is found) (see par. 0025, 0027).

As per claim 14, Asami teaches wherein the programming language is one of a

procedural language and an object oriented language (see par. 0012-0013).

As per claim 15, Asami teaches wherein the programming language is one

of an interpreted language and a compiled language (see par. 0007).

Claims 17-19 have similar limitations as claims 2, 5-6; therefore, they are

rejected under the same subject matter.

Claim 20 is rejected by the same rationale as state in claim 13 arguments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
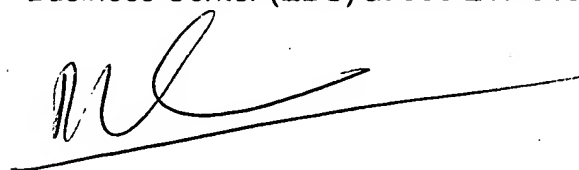
prior art under 35 U.S.C. 103(a).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al (US patent Application No. 2002/0123991 A1) as applied to claims 13-15 above, and further in view of Gombocz et al (US Patent Application No. 2002/0156792 A1).

As per claim 16, Asami does not explicitly teach wherein the object oriented language is one of JAVA, C#, CLR, and C++. However, Gombocz teaches **wherein the object oriented language is one of JAVA, C#, CLR, and C++** (see par. 0059). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of the program language is a object oriented and the object oriented is one of JAVA, C#, CLR, and C++ as disclosed by Gombocz because the object-oriented language makes it easier to provide a second language distinct from the first language, such as C++, Jave, XML and other markup language; therefore, it is readily apparent to anyone skill in the art that other enabling software codes for enabling techniques also be used, as suggested by Gombocz (see par. 0059).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE M LE
Examiner
Art Unit 2167

Debbie Le

July 21, 2005.